



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, February 11, 2020

Case: **V20-0001 – 1190 & 1194 Hope Road**
Staff Contact: Madalyn Smith (madalyn.smith@sandyspringsga.gov)
Report Date: February 3, 2020

REQUEST

Request for a Variance from Sec. 6.4.2. to reduce the required Protected Neighborhood Transition Buffer from 25 feet to five (5) feet at 1190 & 1194 Hope Road.

APPLICANT

Property Owner: Ariadne Nikiforou	Petitioner: Callicott Custom Homes, LCC (contact: Gary Callicott)	Representative: Pete Hendricks
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SUMMARY

The applicant requests a Variance to reduce the required Protected Neighborhood Transition Buffer from 25 feet to five (5) feet at 1190 & 1194 Hope Road. 1194 is adjacent to 1196 Hope Road, which is in the RE-1 zoning district and Urban Neighborhood Character Area. The application of the code significantly limits density in an area of Sandy Springs where dense infill development is envisioned as appropriate by The Next Ten. 1196 Hope Road is one of two remaining, isolated RE-1 properties on Hope Road. The intent of transition buffers is not to limit development adjacent to isolated single unit detached properties but rather to prevent encroachment and adverse impacts within established single family neighborhoods.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval** of **Variance V20-0001**.

MATERIALS SUBMITTED AND REVIEWED

Materials:

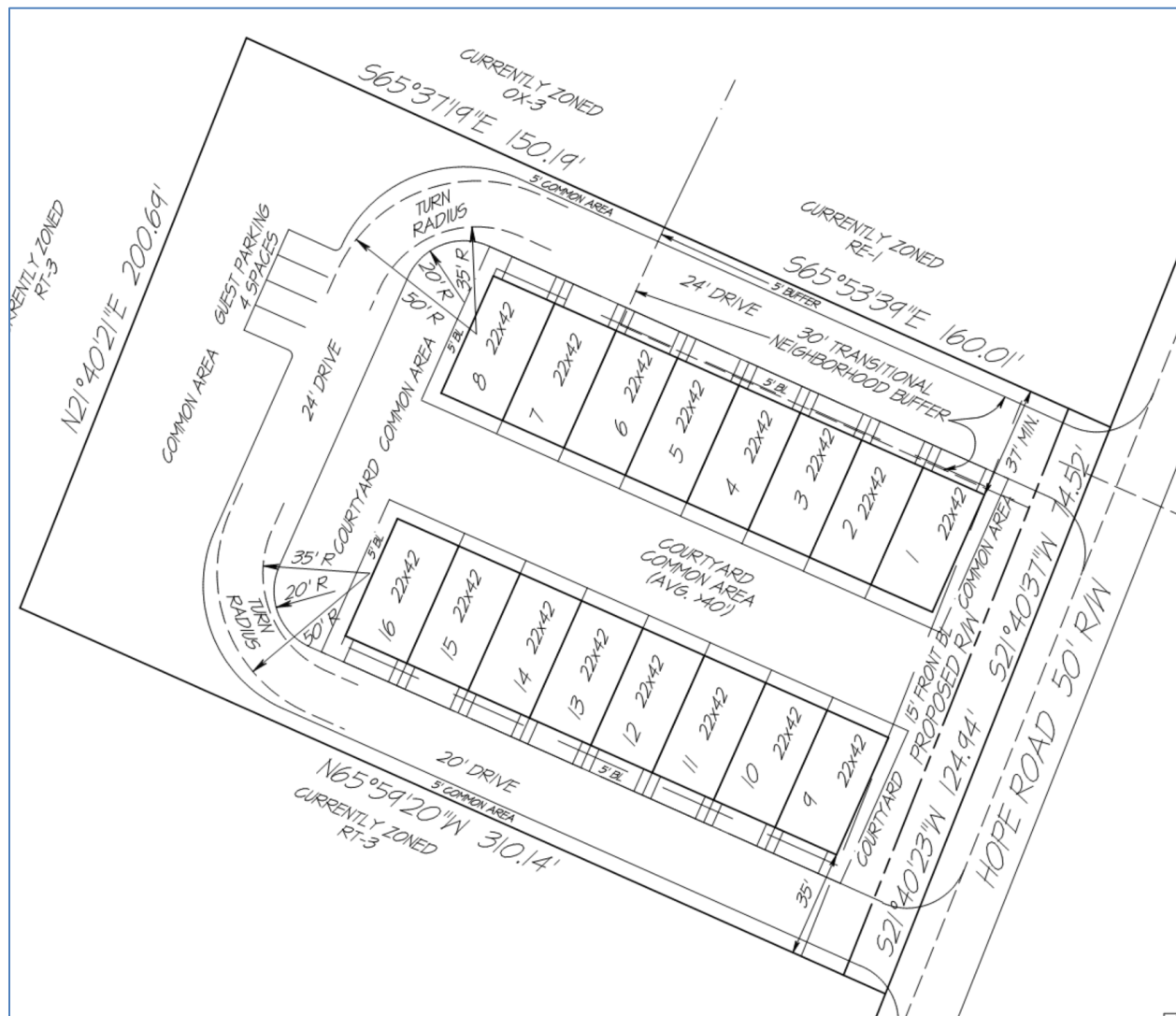
1. Application, received January 2, 2020
2. Updated Letter of Intent and Variance Analysis, received January 8, 2020

Plans:

1. "ALTA/ACSM Survey For: Minerva," prepared by LandPro Surveying and Mapping, signed and sealed by James H. Rader, R.L.S., dated August 22, 2014, received January 2, 2020
2. Updated "Hope Road Tract Concept Site Plan," prepared by Cornerstone Design & Development, Inc., dated October 23, 2019, received January 9, 2020

PROPERTY INFORMATION	
Location:	1190 Hope Road (Parcel # 06 036300040376) & 1194 Hope Road (Parcel # 06 036300040244)
Council District:	2 – Soteres
Road frontage:	Approximately 200 feet of frontage on Hope Road
Acreage:	Approximately 1.42 acres
Current Zoning:	RT-3 (Residential Townhouse, 3 stories maximum height)
Existing Land Use:	Single unit detached residences
Previous Zoning Case:	Zoning Map Amendment (Rezoning) RZ19-0001 was approved.
Character Area:	Urban Neighborhood

SITE PLAN (received January 9, 2020) (full size Site Plan in Package)



PROPOSED DEVELOPMENT

The petitioner applied for a Zoning Map Amendment (Rezoning) of 1190 & 1194 Hope Road from RE-1 to RT-3, which was approved on July 16, 2019.

The applicant proposes to develop the sites with 16 townhomes in the Cottage Court development pattern. This is a development pattern that promotes diverse housing options, encourages density, and requires common greenspace. The development pattern has not yet been utilized in Sandy Springs, but has in other Atlanta Metro cities, such as Marietta.

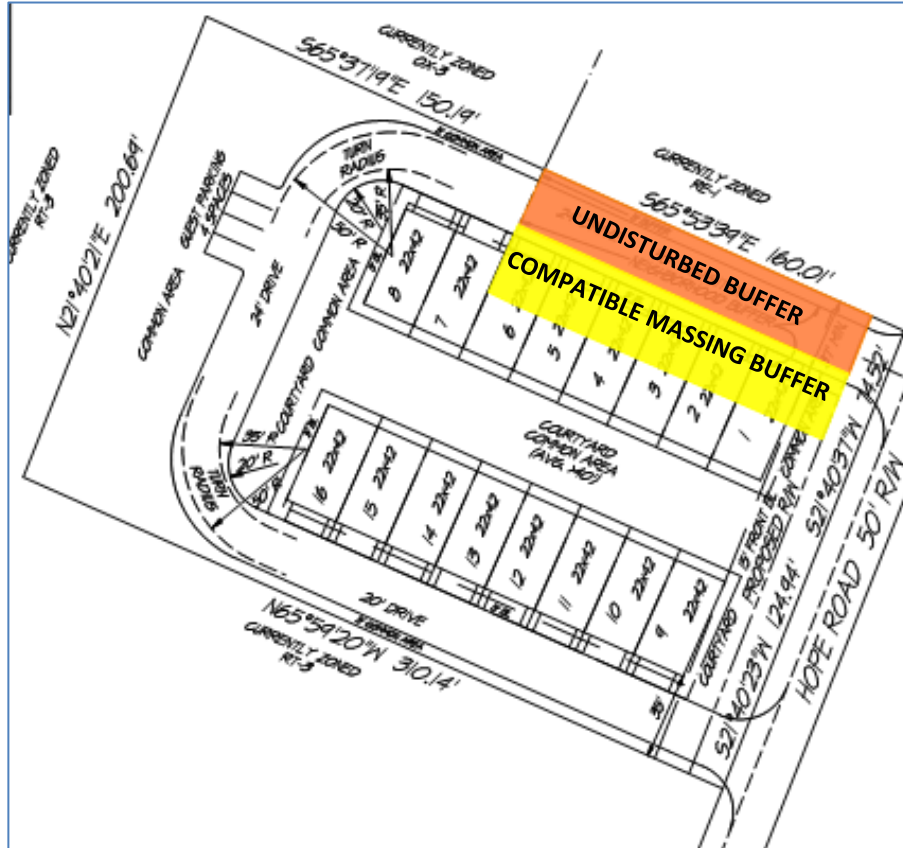


Aerial view of a similar development, Mountain View Townhomes, in Marietta, GA



View of the townhomes around the common greenspace

An adjacent property, 1196 Hope Road is zoned RE-1. Thus, the Protected Neighborhood Transition Buffer applies between this property and 1190/1194 Hope Road. As shown in the figure below, the application of the undisturbed buffer would eliminate several townhomes, reducing the density.



Conceptual Site Plan for 1190 & 1194 Hope Road. The orange delineates the undisturbed landscape buffer and the yellow delineates the compatible massing buffer.

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
North	OX-3 / Office RE-1 / Single unit detached residence	8850 Dunwoody Place NE 1196 Hope Road	0.64 0.17
East	RM-3/8 / Multi-unit residential	8800 Dunwoody Place (Legacy Key Apartment Homes)	18.14
South	RT-3 / Single unit detached residence	1188 Hope Road	0.54
West	RT-3 / Townhouse	56 Huntington Place Drive	0.47
PROPOSED DEVELOPMENT			

--	RT-3 / Townhouse	1190 & 1194 Hope Road	1.42
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AERIAL IMAGE



EXISTING CONDITIONS (All photographs by Alexandra Horst, June 1, 2019)

The following images show the existing conditions of 1190, 1194, & 1196 Hope Road.



View of 1190 Hope Road from Hope Road



View of 1190 Hope Road from Hope Road



View of 1194 Hope Road from Hope Road



View of both 1190 & 1194 Hope Road from Hope Road

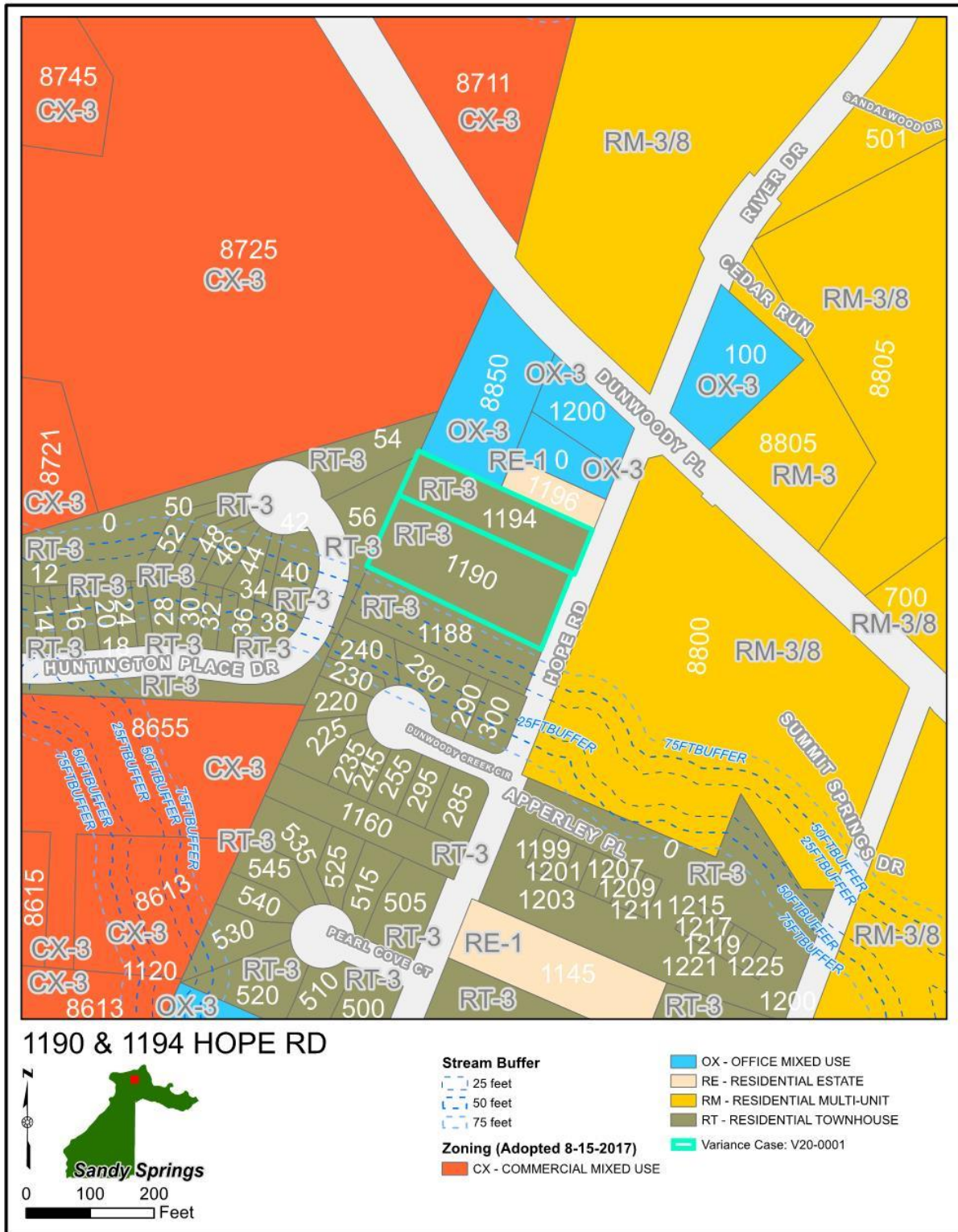


View of both 1194 & 1190 Hope Road from 1194 Hope Road

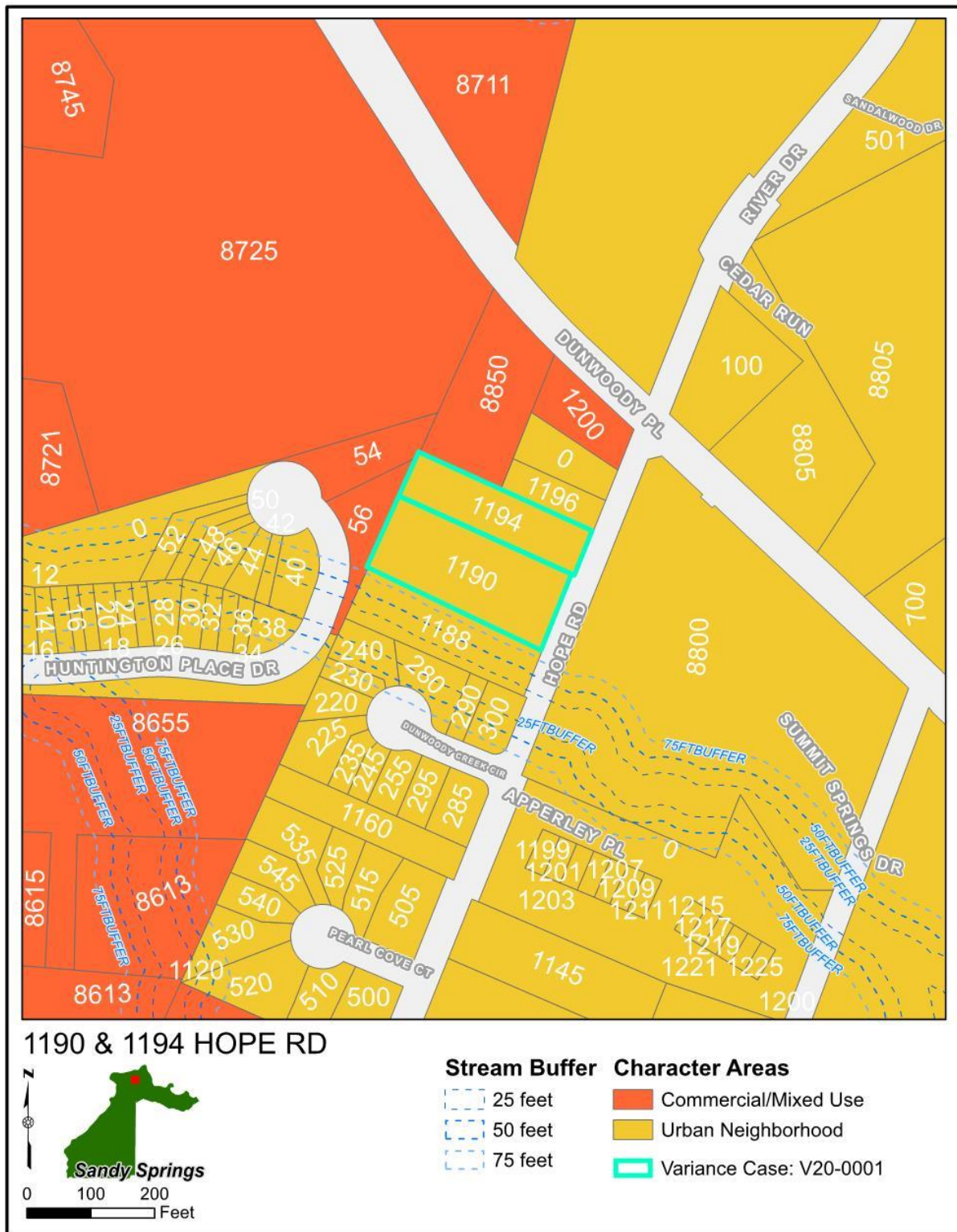


View towards 1196 Hope Road from 1194 Hope Road

ZONING MAP



CHARACTER AREA MAP

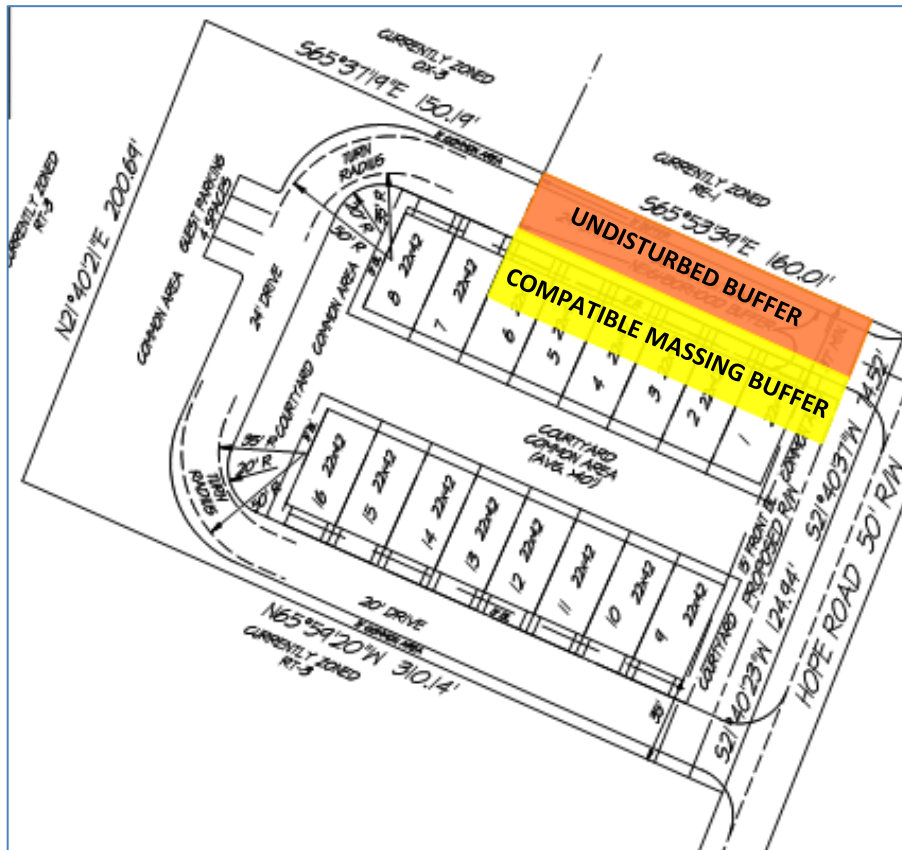


VARIANCE CONSIDERATIONS

Per Sec. 11.3.6.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

1. *Variances will only be granted upon showing that:*
 - a. *The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or*
 - b. *There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;*

Finding: The application of the full 25-foot landscape buffer would require 3,750 square feet of the approximately 62,000-square foot lot to be an undisturbed landscape buffer. An additional 30-foot compatible massing buffer restricts the height of development to 28 feet. In total, the Protected Neighborhood transition area is 55 feet in depth and an area of 8,250 square feet.



As seen in the graphic above, the undisturbed buffer would eliminate the alley, preventing half the townhomes in the development from rear access. Even if the applicant eliminated direct access for half the townhomes, the compatible massing buffer would limit the rear half of the townhomes to a height of 24 feet which is not desirable or realistic from a design perspective. The application of the 25-foot undisturbed buffer essentially eliminates half the proposed townhomes and does not allow the applicant to build according to the Development Code's prescription for a "Cottage Court" development pattern. The site is also too narrow to allow the applicant to simply shift the development outside of the transition buffers. For this reason, staff believes there is a hardship.

<p><i>Further, the application must demonstrate that:</i></p> <p><i>a. Such conditions are not the result of action or inaction of the current property owner; and</i></p> <p>Finding: The conditions are not the result of action nor inaction of the current property owner.</p>
<p><i>b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and</i></p> <p>Finding: Hope Road is primarily commercial and medium-to-high density residential, save for two isolated RE-1 zoned properties, 1196 and 1145 Hope Road. It is important to note that both of these remnant residential lots are deliberately within the <i>Urban Neighborhood</i> Character Area, not the Protected Neighborhood Character Area, and was envisioned they would eventually be developed in a more intense way.</p> <p>Due to the dimensional requirements for open space in the Cottage Court Development pattern, the required 25 foot transitional buffer eliminates at least six (6) units. The applicant's request to reduce the buffer to five (5) feet would provide relief and the opportunity to maximize the density in one of the few areas in Sandy Springs in which dense infill development is envisioned as appropriate by The Next Ten.</p>
<p><i>c. The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.</i></p> <p>Finding: Per Section 1.1.5., the intent of the Development Code is to guide reinvestment in established neighborhoods that enhances their unique characteristics, promote diverse housing options, and provide building and site design standards address the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm.</p> <p>This Variance request would better allow the applicant to increase density in an appropriate area that is zoned for urban neighborhoods with residential attached housing units. The location is also in close proximity to transit and retail and the applicant is utilizing the Cottage Court development pattern, which is promoted by the Code. For these reasons, Staff believes the proposal supports the above stated intent of the Development Code.</p> <p>It is Staff's belief that the variance request would not be detrimental to the public good, safety, and welfare.</p> <p>The request supports the intent of the Development Code and is also consistent with Comprehensive Plan policies, as explained below:</p> <p>According to page 104 of The Next Ten Comprehensive Plan, "Development outside the edges of protected neighborhoods will be carefully managed to prevent encroachment of non-residential or higher-intensity residential uses into this character area and to ensure compatible transitions between land uses and development intensities." The tool used to implement this portion of The Next Ten are the Protected Neighborhood Transition standards in Sec. 6.4.2. and 6.4.3. of the Development Code.</p> <p>The purpose of this transition is not to protect individual single unit detached residences in an area planned for higher-density development. Rather, it is to prevent encroachment and adverse impacts within established single family neighborhoods.</p> <p>Page 106 of The Next Ten states, "redevelopment within [Urban Neighborhood] will be critical to achieving the Comprehensive Plan goal of expanding the range of available housing options," and "... rather than following the form and development patterns established by existing multifamily and</p>

townhome development, redevelopment within [Urban Neighborhood] will result in more compact, connected and walkable neighborhoods that maximize proximity to mixed use development along Roswell Road, in the Perimeter Center and MARTA station areas.”

The applicant’s proposal to replace two aging single family homes and construct townhomes expands the range of housing options available in Sandy Springs. The applicant’s use of the Cottage Court Development Pattern would be unique along Hope Road, where previous townhomes are centered around driveways and have very little greenspace. Cottage Court also allows a more compact site that is within proximity to transit and Roswell Road. Staff finds the request to reduce the buffer to be in support of the goals and intent of The Next Ten.

COMMENTS FROM OTHER PARTIES

Public Works Department:

1. Streetscape improvements, as required by the Sandy Springs Development Code, shall be constructed and shown on the site plan.
2. Required on-street parking should be shown on site plan.
3. Appropriate ROW (minimum 40-48 feet to centerline) along Hope Road should be shown on site plan/dedicated.
4. Driveways shall meet ADA crossing standards.
5. Driveways shall meet all spacing requirements outlined in Section 3 of the Sandy Springs Technical Manual.
6. The project shall only have one access point. The maximum number of driveways permitted for a single project is one for each 200 feet of property frontage.
7. For the driveway, the radius return must be a minimum of five feet from the property line.
8. The streets serving the residential development shall meet city street and access design standards outlined in Section 3 of the Sandy Springs Technical Manual.
9. The proposed alley on project site should adhere to roadway design and pavement standards, including minimum turning radii and right of way requirements, outlined in Section 3 of the Sandy Springs Technical Manual.
10. Parking shall be provided within the development for residents and visitors.

Correspondence Received:

1 public comment was received in opposition stating

“How many bites at the Apple will this applicant have on Hope RD. This was denied going from no buffer to offering 5 ft. When the rule is 25 ft. Is silly. They need to reduce number of homes or by more land not harass the city for a variance.”

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Overall, Staff finds that the proposed development offers an opportunity for higher density infill development as envisioned for the Urban Neighborhood Character Area, and the granting of the requested Variance would provide the applicant with relief to more realistically develop according to the Development Code's prescription for a "Cottage Court" product. For these reasons, Staff recommends **Approval** of **Variance** V20-0001, request for a Variance from Sec. 6.4.2. to reduce the required Protected Neighborhood Transition Buffer from 25 feet to five (5) feet, subject to the following **condition**:

1. The proposed townhome project must utilize the Cottage Court Development Pattern as described in Division 6.3 of the Development Code.

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JAN 31 2020

City of Sandy Springs
Community Development

FIRST AMENDMENT TO VARIANCE APPLICATION

IN RE:)
Callicott Custom Homes, LLC) Application Number: V20-0001
APPLICANT)
PROPERTY:)
1194 and 1190 Hope Road)
City of Sandy Springs)

Now comes Callicott Custom Homes, LLC (the "Applicant" hereunder) who does hereby modify and amend the above referenced Variance Application as follows:

1.

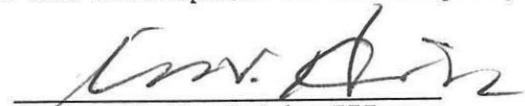
The Applicant requests that the required 25' buffer required pursuant to Article 6.4.2. of the Development Code be reduced to 5'. This Article is under the main Article 6.4. entitled "Protected Neighborhood Transitions." Pursuant to the Staff Report associated with the recent rezoning of the above referenced Property to the RT-3 Classification, it was noted on Page 15 that . . . "The neighboring 1196 Hope Road is one of only two (2) other parcels on Hope Road in the RE-1 District and the Urban Neighborhood Character Area." I do not understand why this Article is even applicable given that the neighboring 1196 property, pursuant to the referenced Staff Report is in the Urban Neighborhood Character Area.

2.

Given that the adjoining 1196 Hope Road property is zoned RE-1 it is a non-conforming lot due to the size of that property being only .17 of an acre and not the required 1 acre minimum for a RE-1 property. Further, it would be impossible to renovate the existing structure, let alone build a new residence given the RE-1 required Coverage and Building Setbacks development standards. The Applicant has confirmed through Abdul Akbar of Fulton County that the 1196 Hope Road property is not on sewer with no records being found of that property being served by a septic tank. Additionally, the minimum acreage for a property to qualify for septic in Fulton County is 1 acre.

It is for the combination of the reasons stated under the preceeding two paragraphs that the Applicant is of the opinion that compliance with Article 6.4.2. is not necessary. Further, as is stated in the Letter of Intent and Variance Analysis, as amended, submitted by the Applicant a number of alternative designs were explored none of which resulted in a proposed development plan that did not require the Variance requested, even if necessary. Therefore, the Applicant maintains that this Variance Application is entirely appropriate and the appropriateness of this Variance Application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

Now, therefore, the Applicant requests that this Application for Variance, if proven to be necessary, be approved as submitted in order that the Applicant be able to proceed with the lawful use and development of the Property.


Nathan V. Hendricks III
Attorney for the Applicant

6085 Lake Forrest Drive
Suite 200
Sandy Springs, Georgia 30328
(404) 255-5161

Exhibit "A"

APPROPRIATENESS OF APPLICATION

AND

CONSTITUTIONAL ASSERTIONS

The refusal to approve the Variance requested will result in a taking of the Appellant's valuable property rights in violation of the just compensation clause of the Constitution of Georgia 1983, Article 1, Section 3, Paragraph 1 and the just compensation clause of the Fifth Amendment to the United States Constitution. Further such refusal to approve the requested Variance discriminates in an arbitrary, unreasonable, capricious and unconstitutional manner between the Appellant and owners of similarly situated property in violation of Article 1, Section, Paragraph 2, of the Constitution of the State of Georgia and in violation of the equal protection clause of the Fourteenth Amendment to the United States Constitution. Additionally, such refusal to approve the requested Variance would constitute a gross abuse of discretion and would constitute a violation of the Appellant's rights to substantive and procedural due process as guaranteed by the Constitution of the State of Georgia 1983, Article 1, Section 1, Paragraph 1 as well as the Fifth Amendment and Fourteenth Amendment to the United States Constitution.

Any approval of this Variance request subject to conditions which are different from the conditions requested by the Appellant, to the extent such different conditions would have the effect of further restricting the Appellant's utilization of the subject property would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove. The refusal to approve this requested Variance would result in a real, substantial and significantly detrimental hardship to be borne by the Appellant without any corresponding public benefit or legitimate connection to public health, safety, morals and general welfare. The community at large will not be affected by the approval of the requested Variance.



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JAN 31 2020
City of Sandy Springs
Community Development

AUTHORIZATION FORM – PART II

C- If an agent or attorney will represent the owner and/or the applicant:
Fill out the following section and have it notarized.

Agent's name:	Nathan V. Hendricks III
Company name:	SAME
Address:	6085 Lake Forrest Drive Suite 200
City, State, Zip Code:	Sandy Springs, Georgia 30328
Email address:	nvh@cobbbandhyre.com
Phone number:	(404) 255-5161
Agent's signature	
Applicant's signature:	Collicutt Custom Homes LLC
By:	
	Gary Collicott
Its:	MEM. PARTNER

Sworn and subscribed before me this
29 th day of January 20 20
Notary public:
Seal:
Commission expires:

Received:
01/08/2020

City of Sandy Springs
Community Development Department



SANDY SPRINGS™
GEORGIA

Case No.: _____
Planner's initials: _____

PROJECT INFORMATION SHEET

PROPERTY	Address(es):	1194 HOPE RD. AND 1190 HOPE RD.	
	Parcel Tax ID:	06036300040247 06036300040376	
	Land Lot(s):	363	Land District(s): 6TH
	Total acreage:	1.42 AC	Council district: 2
	Current zoning:	RT-3	Current use: 2 SINGLE FAMILY HOMES
	Character area:	URBAN NEIGHBORHOOD	

APPLICATION	Detailed request (include Ordinance/Code Section No.):	TO REDUCE FROM 25 FEET TO 5 FEET TO ELIMINATE THE BUFFER AS SHOWN IN CODE SECTIONS 6.4.2 ALONG THE PROPERTY LINE BETWEEN 1194 HOPE RD. AND 1196 HOPE RD.	
	Petitioner:	GARY CALLICOTT [REDACTED]	
	Petitioner's address:	CALLICOTT CUSTOM HOMES, LLC 9825 TRACE VALLEY, SANDY SPRINGS, GA 30350 [REDACTED]	

OWNER	Property owner:	ARIADNE NIKIFOROU
		[REDACTED]
	Signature (authorizing initiation of the process):	Ariadne H. Nikiforou
If the property is under contract and the owner is unavailable to sign, provide a copy of the contract		

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	12/11/19	Anticipated application date:
Anticipated BOA date:		
ADDITIONAL INFORMATION NEEDED:		
→ Need owner's signature		

SURVEY NOTES

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT, EASEMENTS, ENCUMBRANCES, OR ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON. ANY SUCH ENCUMBRANCES OR ENCROACHMENTS SHALL BE AT THE SURVEYOR'S RISK.
2. THIS PLAT WAS PREPARED FROM A FIELD BOOK BY USING A THREE SECOND TOTAL STATION.
3. THE PRECISION OF THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS VERIFIED WITH RELEVANT LINEAR MEASUREMENTS. THE RELATIVE HORIZONTAL PRECISION IS 1:10,000. THE VERTICAL PRECISION IS 1:10,000. THE FIELD DATA HAS BEEN ADJUSTED USING LEAST SQUARES.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 24,312 FEET.
5. ALL LOTS ARE 8' BROAD UNLESS NOTED OTHERWISE.
6. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAYS PUBLIC OR PRIVATE.
7. NO PORTION OF THIS PROPERTY APPEARS TO BE WITHIN THE 100 YEAR FLOOD PLAIN, AND LIES IN ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP NUMBER 1310001001C, EFFECTIVE DATE OF SEPTEMBER 18, 2013.
8. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. BEARINGS SHOWN HEREON ARE BASED ON ANGLES TURNED AND ARE REFERENCED TO GRID NORTH.
9. INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON THE LOCATION OF VISIBLE APPROPRIATELY MARKED SURVEYING AND MARKING. NO CERTIFICATION AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION SHOWN HEREON.
10. THE CITY OF SANDY SPRINGS, FLORIDA, FOR THIS LOT IS H-2, SUBURBAN OVERLAY DISTRICT.

RECEIVED

JAN 02 2020

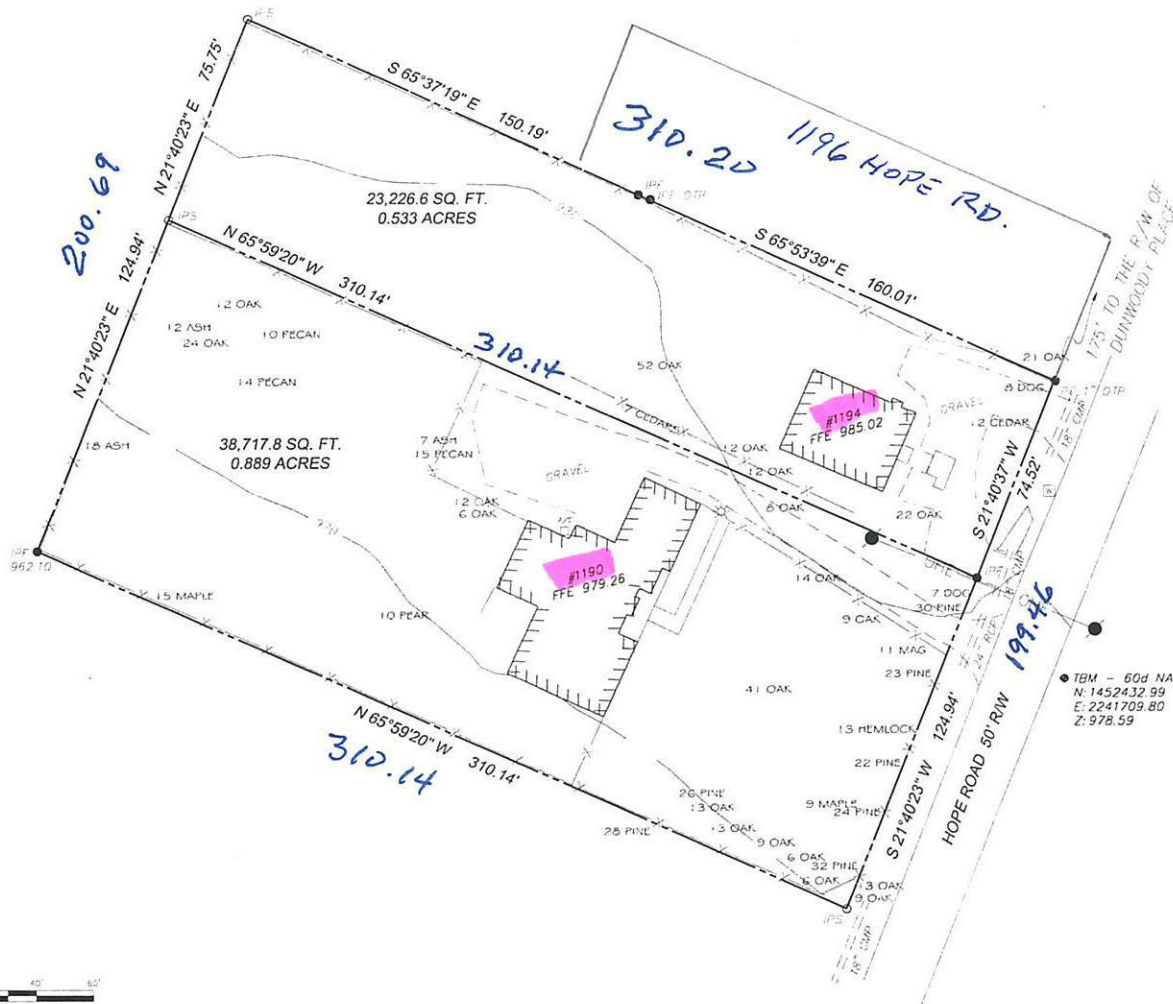
**City of Sandy Springs
Community Development**

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD SURVEY REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, AS ADOPTED AND ACCEPTED BY ALTA AND NSPS. FURTHERMORE, THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYING IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-1-67. THE FIELD WORK WAS COMPLETED ON 08/21/2014. DATE OF PLAT 08/22/2014.



JAMES H. HADER GEORGIA PLAT 2014

1.424 AC



LEGEND

1. Easement	2. Easement	3. Easement	4. Easement
5. Easement	6. Easement	7. Easement	8. Easement
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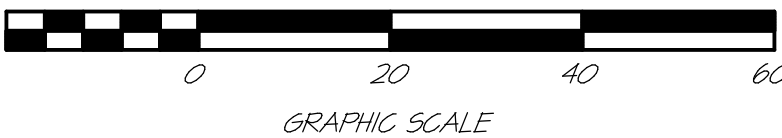
ALTA/ACSM SURVEY FOR:

LAND PRO
SURVEYING AND MAPPING
305 CREEKSTONE RIDGE
WOODBRIDGE, GA 30188
TELE: 404-386-2170
FAX: 678-213-1519
AUTHORIZATION NO. LSFD000008
WWW.LANDPROSURVEYING.COM
COPYRIGHT 2014

MINERVA

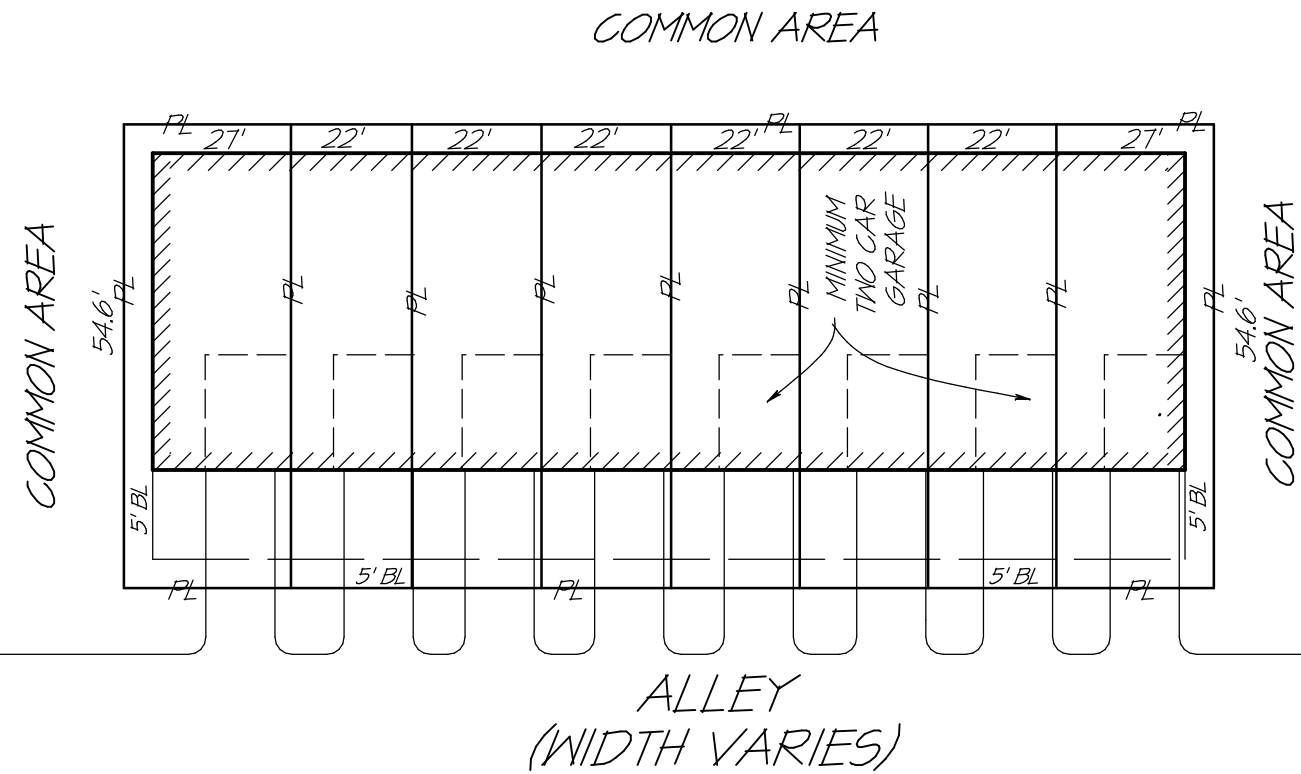
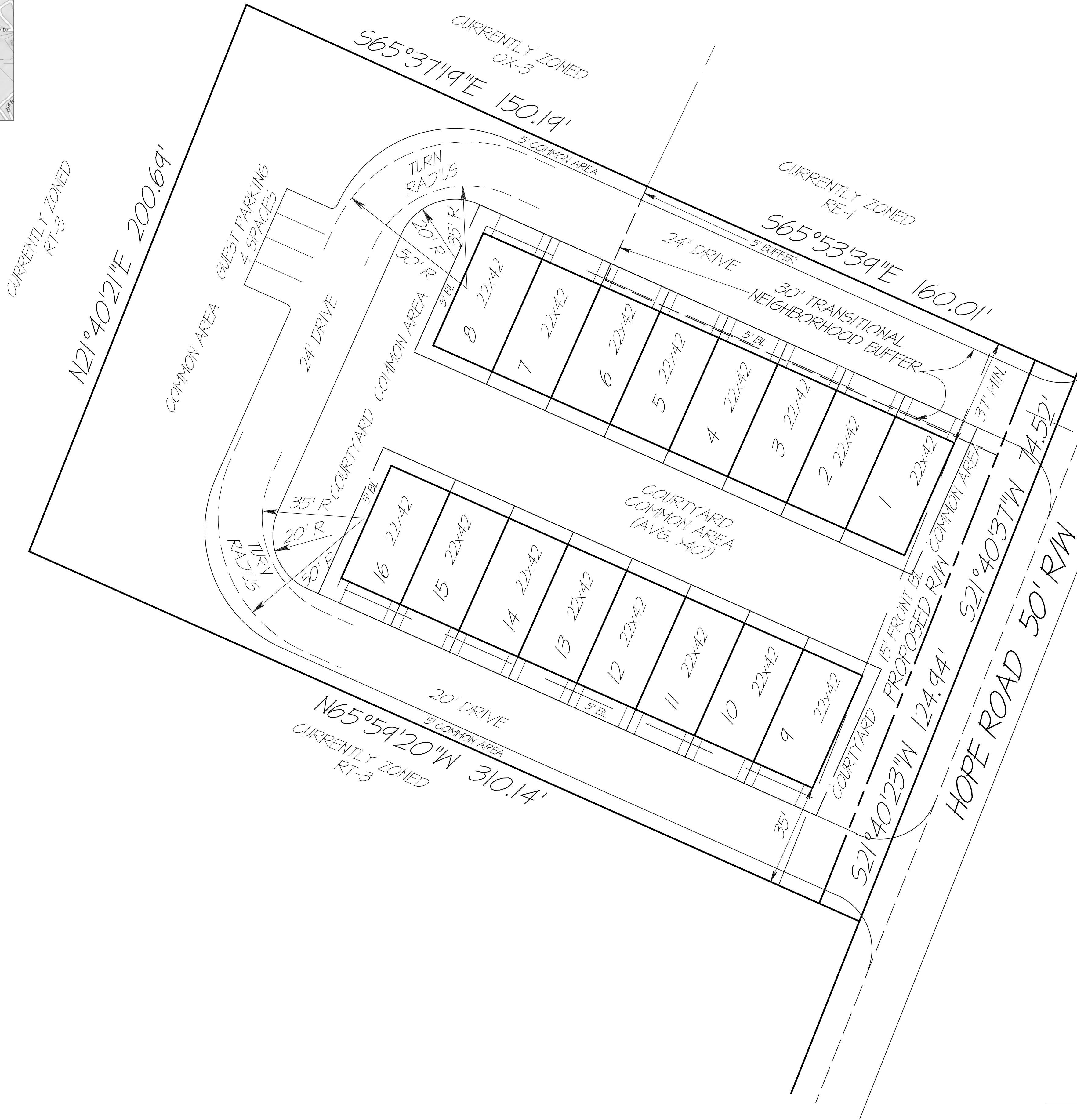
LAND LOT 363
DISTRICT 8
CITY OF SANDY SPRINGS
FULTON COUNTY, GA

SCALE: 1" = 20'
DATE: 08/22/14
PROJECT NO.: 10140002
SHEET: 1 OF 1



- GENERAL NOTES
1. THIS TRACT CONTAINS 1.42 ACRES AND IS ZONED RE-1.
 2. THE PROPOSED ZONING IS COTTAGE
 3. THIS LAYOUT CONTAINS 16 UNITS FOR DENSITY OF 11.27 LOTS/ACRE.
 4. THIS PROPERTY OWNED AND DEVELOPED BY:
CALLICOTT HOLDINGS
PHONE: 770-851-3364
CONTACT: GARY CALLICOTT
 5. THE MINIMUM SETBACK FROM A PRIMARY STREET IS 15 FEET; THE MINIMUM LOT AREA IS 1200 SF; THE MINIMUM LOT WIDTH IS 22 FEET.
 6. THE MINIMUM PARKING SPACES REQUIRED IS 32. THERE ARE 36 SPACES PROVIDED. EACH UNIT SHALL HAVE A TWO CAR GARAGE AND 4 GUEST SPACES (16 x 0.2 = 3.2) ARE PROVIDED.
 7. 9,600 SF OF COMMON SPACE IS REQUIRED (16 x 600). 23,952 SF IS PROVIDED.

CORNERSTONE DESIGN & DEVELOPMENT, INC.
106 SIMONSON ROAD SE
LAWRENCEVILLE, GA 30046
PHONE: 770-961-1007
EMAIL: KIM.DARRELL@BELLSCOTT.NET
CONTACT: DARRELL VAUGHN



TYPICAL LOT LAYOUT
NOT TO SCALE

NOTE: MINIMUM LOT AREA = 1201 SF (22x54.6)

Received:
01/09/2020
City of Sandy Springs
Community Development Department

CONCEPT
SITE PLAN

PLAN SCALE: 1" = 20'

HOPE ROAD TRACT
LAND LOT 363, 6TH DISTRICT
FULTON COUNTY, GEORGIA
CITY OF SANDY SPRINGS

REVISIONS:
JAN 8, 2020 REVISE BUFFERS ADJACENT TO RE-1 ZONING

SHEET NO.

OF 1

PROJ. NO. HOPE ROAD
DATE: OCT. 23, 2019

**Received:
01/08/2020**

**City of Sandy Springs
Community Development Department**

Letter of Intent

1. Requested Variance:

Applicant is requesting a variance to reduce the buffer from 25 feet to 5 feet as shown in code section 6.4.2 along the property line between 1194 Hope Road and 1196 Hope Road.

2. Factual details about the proposed development:

The variance is necessary because the property located at 1196 Hope Road is currently zoned RE-1. 1196 Hope Road consists of less than two tenths of an acre of land with a home in ill repair which records indicate was constructed in 1940. The house is not connected to public sewer and the Fulton County Health Department can find no record that a septic system was ever approved. This parcel is the only property zoned for single family residential use in the immediate area. All of the nearby properties are within the Urban Neighborhood character area.

Applicants intent is to construct townhouses on the contiguous parcels located at 1194 Hope Road and 1190 Hope road. The rezoning from RE-1 to RT-3 was approved by the Sandy Springs City Council on July 16, 2019. However, the buffer created by the "protected neighborhood" condition required for RE-1 zoning will prevent the development of this project.

3. Alternative designs explored:

Applicant has engaged two different land planners and a civil engineer to in an attempt to produce alternative designs that would eliminate the need for this request. There have been at least five different site plans as well as multiple variations of each that have been proposed.

The first site plan submitted to staff was an L-shaped layout with units along the South and West property lines. This layout incorporated a large open space, or mew, on the northern half of the property. This site plan would NOT have required a variance but was prohibited by the new code because it did not have buildings covering at least 60% of the road frontage.

The second site plan involved running a 24 feet wide alley parallel to the North property line and extending additional alleys off the main alley. This site plan consisted of three rows of townhomes with the first row fronting along Hope Rd. The first version of this plan could have been constructed with a ten feet landscape buffer. However, this site plan had to be scrapped when we learned that the city no longer allowed individual units to only be accessed by an alley.

A third site plan which was very similar to the second plan was designed to reduce some of the impervious area by replacing one of the alleys with a landscaped common area. By reducing the buildings to three rows of five units each this plan would have allowed the primary alley to be shifted far enough south to eliminate the need for this variance. This plan was found to be non-conforming with the development code for the same reason as the second site plan.

The fourth site plan is the plan that was submitted for rezoning. It involved building a public street through the center of the property. This site plan solved the issue that eliminated the second and third plans by offering direct access to a public road for all units. It did require in

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addition to the public street an alley for the rear entry garages. With this alley circling the entire property and the installation of a public street this plan created an inordinate amount of impervious area and would not work without a variance.

The fifth and current plan was made possible when the city council and mayor amended Division 6.3 Development Patterns Cottage Court to allow attached houses to utilize the cottage court layout. This plan provides for an aesthetically superior development both to potential homeowners as well as the community. Compared to alternative plans the cottage court greatly reduces impervious area which will reduce storm water runoff therefore making it a more environmentally friendly choice. The pattern of this plan allows for a community like feel with the units facing each other while sharing a common courtyard. Applicant believes that this site plan is by far the best alternative for all parties concerned. This plan does however require a reduction in the buffer from 25 feet to 5 feet.

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Variance Analysis

- a. The application of the Development Code would eliminate the ability to develop the property as a cottage courtyard without the approval of the requested variance. As detailed in the letter of intent under "Alternative Plans Explored" there were many attempts to determine the best possible site plan while considering environmental impacts, compatibility with the neighborhood, marketability, and practicality while satisfying the city's stated intent to bring quality housing to north Sandy Springs. After many attempts the consensus among the land planners and engineers that worked on this project was that the cottage court pattern was the best way to develop the property.
- b. The size and shape of the property is perfect for the cottage court layout but is too narrow for any other code acceptable site plan.
- c. These conditions are not the result of any action or inaction of the property owner.
- d. The variance request is the minimum relief necessary to accommodate this site plan.
- e. This variance request will result in development that is consistent with the general intent of the development code and the comprehensive plan. Aside from the very small parcel located next door there is only one other lot on Hope Road that is zoned single family. All of the remaining parcels are zoned either multifamily or commercial. This entire area is transitioning to townhouses and/or commercial. The addition of these townhouses will provide reasonably priced homes to the Sandy Springs service industry and help satisfy the city's desire to bring quality redevelopment to the northern part of Sandy Springs. The property is located along a transit corridor and is less the 100 yards from a MARTA stop and in easy walking distance to shops and restaurants. The development will replace two dated houses and provide homes for new citizens who will shop in the nearby stores, eat in area restaurants, and contribute to the local economy. These homeowners, most of whom will be young adults, will become an important part of the Sandy Springs community for years to come. The grounds will be designed by a professional landscape architect and maintained by local landscapers to insure that the beauty of Sandy Springs is enhanced and the property values in the area continue to increase.

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Case No.: V20-0007
Planner's initials: MS

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 1194 HOPE RD. AND 1190 HOPE RD.	
	Parcel Tax ID: 06 036 3000 40244 06036300040376	
	Land Lot(s): 363	Land District(s): 6TH
	Total acreage: 1.42 AC	Council district: 2
	Current zoning: RT-3	Current use: 2 SINGLE FAMILY HOMES
	Character area: URBAN NEIGHBORHOOD	

APPLICATION	Detailed request (include Ordinance/Code Section No.):	
	TO ELIMINATE THE BUFFER AS SHOWN IN CODE SECTION 6.4.2 ALONG THE PROPERTY LINE BETWEEN 1194 HOPE RD. AND 1196 HOPE RD.	
	GARY CALLICOTT [REDACTED]	
	Petitioner: CALLICOTT CUSTOM HOMES, LLC	
	Petitioner's address: 9825 TRACE VALLEY, SANDY SPRINGS, GA 30350	
	[REDACTED]	

OWNER	Property owner: ARIADNE NIKIFOROU	
	Owner's address: 7175 NORTHGREEN DR. SANDY SPRINGS, GA 30328	
	Phone: (404) 492-3000	Email: dxanthaky@hotmail.com
	Signature (authorizing initiation of the process): Ariadne H. Nikiforou	
	If the property is under contract and the owner is unavailable to sign, provide a copy of the contract	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date: 12/11/19	Anticipated application date: 1/2/20
Anticipated BOA date: 2/11/19	
ADDITIONAL INFORMATION NEEDED:	
→ Need owner's signature	
→ Revise # 3 letter of intent and (d) in variance analysis	
→ provide alternative site plans	
→ expand on (d) in variance analysis	



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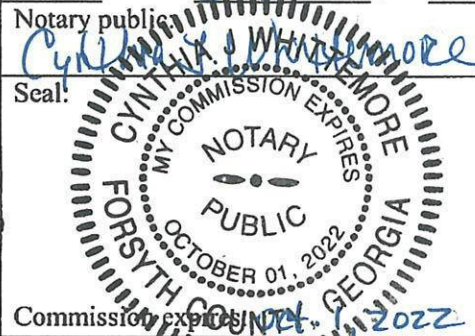
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AUTHORIZATION FORM – PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: <u>Ariadne Niki Forou</u>	Sworn and subscribed before me this
	<u>16th</u> day of <u>December</u> 20 <u>19</u>
Owner's signature: <u>Ariadne Niki Forou</u>	Notary public: <u>Cynthia J. Whittemore</u>
<u>→ dxanthaky@hotmail.com</u>	Seal: 

B- If the applicant is *not* the owner of the subject property:

Fill out the following section, check the appropriate statement, and have it notarized.

Applicant states under oath that:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name:	Sworn and subscribed before me this
Company name:	_____ day of _____ 20 _____
Address:	Notary public:
City, State, Zip Code:	Seal:
Email address:	Commission expires:
Phone number:	
Applicant's signature:	



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AUTHORIZATION FORM – PART II

- C- If an agent or attorney will represent the owner and/or the applicant:
Fill out the following section and have it notarized.

Agent's name:	GARY W. CALLICOTT
Company name:	CALLICOTT CUSTOM HOMES, LLC
Address:	9825 TRACE VALLEY
City, State, Zip Code:	SANDY SPRINGS GA 30350
Email address:	
Phone number:	
Agent's signature	Gary W. Callicott
Applicant's signature:	

Sworn and subscribed before me this
2 nd day of January 20 20
Notary public:
Rosneida Peralta
Seal:
<div><div>ROSNEIDA PERALTA</div><div>NOTARY PUBLIC</div><div>Cobb County</div><div>State of Georgia</div><div>My Comm. Expires Sept. 29, 2023</div></div>
Commission expires:
Sept. 29, 2023

Letter of Intent

1. Requested Variance:

Applicant is requesting a variance to eliminate the buffer as shown in code section 6.4.2 along the property line between 1194 Hope Road and 1196 Hope Road.

2. Factual details about the proposed development:

The variance is necessary because the property located at 1196 Hope Road is currently zoned RE-1. 1196 Hope Road consists of less than two tenths of an acre of land with a home in ill repair which records indicate was constructed in 1940. The house is not connected to public sewer and the Fulton County Health Department can find no record that a septic system was ever approved. This parcel is the only property zoned for single family residential use in the immediate area. All of the nearby properties are within the Urban Neighborhood character area.

Applicants intent is to construct townhouses on the contiguous parcels located at 1194 Hope Road and 1190 Hope road. The rezoning from RE-1 to RT-3 was approved by the Sandy Springs City Council on July 16, 2019. However, the buffer created by the "protected neighborhood" condition required for RE-1 zoning will prevent the development of this project.

3. Alternative designs explored:

Applicant has engaged two different land planners and a civil engineer to in an attempt to produce alternative designs that would eliminate the need for this request. There have been at least six different site plans as well as multiple variations of each that have been proposed. We have had many meetings with the Sandy Springs planning staff and numerous development meetings. After much effort over a two to three-year period the consensus was that the plan we submitted which employs the cottage court layout is by far the best.

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Variance Analysis

- a. The application of the development code would preclude the ability to develop the property as a cottage courtyard. During the rezoning process the Sandy Springs planning staff suggested that the cottage courtyard layout would be the best use for the property and that has been confirmed by applicant's planners and engineer.
- b. The size and shape of the property is perfect for the cottage court layout but is too narrow for any other workable site plan.
- c. These conditions are not the result of any action or inaction of the property owner.
- d. The variance request is the minimum relief necessary to accommodate this site plan.
- e. This variance request will result in development that is consistent with the general intent of the development code and the comprehensive plan. Aside from the very small parcel located next door there is only one other lot on Hope Road that is zoned single family. All of the remaining parcels are zoned either multifamily or commercial. This entire area is transitioning to townhouses and/or commercial. The addition of these townhouses will provide reasonably priced homes to the Sandy Springs service industry and help satisfy the city's stated desire to bring quality redevelopment to the northern part of Sandy Springs. The property is located along a transit corridor and is less the 100 yards from a MARTA stop and in easy walking distance to shops and restaurants.

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LEGAL DESCRIPTION FOR 1190 HOPE ROAD

BEGINNING at an iron pin located on the northwesterly right of way line of Hope Road, two hundred fifty (250.0) feet southwesterly from the corner formed by the intersection of the northwesterly right of way line of Hope Road with the southwesterly right of way line of Old Roswell Road; said point of beginning also being at the line dividing Lots 90 and 91, said block and subdivision; running thence northwesterly along the southwesterly line of said Lot 91, at an interior angle of 92 degrees 27 minutes with the northwesterly right of way line of Hope Road, three hundred eleven and three tenths (311.3) feet to an iron pin; running thence southwesterly one hundred twenty-five (125.0) feet to an iron pin and Lot 85, said block and subdivision; running thence southeasterly along the northeasterly line of said Lot 85, three hundred thirteen and three tenths (313.3) feet to an iron pin and the northwesterly right of way of Hope Road; running thence northeasterly along the northwesterly right of way line of Hope Road, one hundred twenty-five (125.0) feet to an iron pin and the point of beginning.

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LEGAL DESCRIPTION FOR 1194 HOPE ROAD

All that tract or parcel of land lying and being in Land Lot 363 of the 6th district, Fulton County, Georgia, being Lots 91, 92, and 93, Longsdale Park Subdivision, and being more particularly described as follows: Beginning at an iron pin found on the northwesterly right of way of Hope Road (50 foot right of way) which point is south 22 degrees 26 minutes and 26 seconds west 172.32 feet from the intersection of the northwesterly right of way of Hope Road with the southwesterly right of way of Dunwoody Place (50 foot right of way); and running thence south 22 degrees 26 minutes 26 seconds west along the northwesterly right of way of Hope Road 74.52 feet to an iron pin found (1 inch O.T.); running thence north 65 degrees 13 minutes 31 seconds west 306.57 feet to an iron pin found; running thence north 19 degrees 44 minutes 50 seconds east 75.98 feet to an iron pin found (1/2 inch O.T.); running thence 64 degrees 51 minutes 30 seconds east 150.19 feet to an iron pin found; running thence south 65 degrees 07 minutes 50 seconds east 160.01 feet to an iron pin found at the point of beginning, as shown on survey for Nancy H Thomas by Cherokee Surveying Co., Inc. dated June 4, 1997; and being known as 1194 Hope Road, according to the present system of numbering property in the City of Sandy Springs, Fulton County, Georgia.

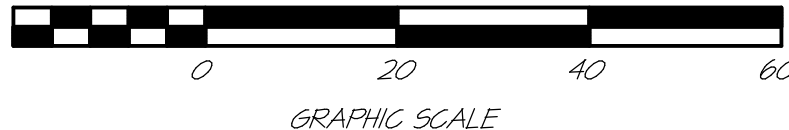
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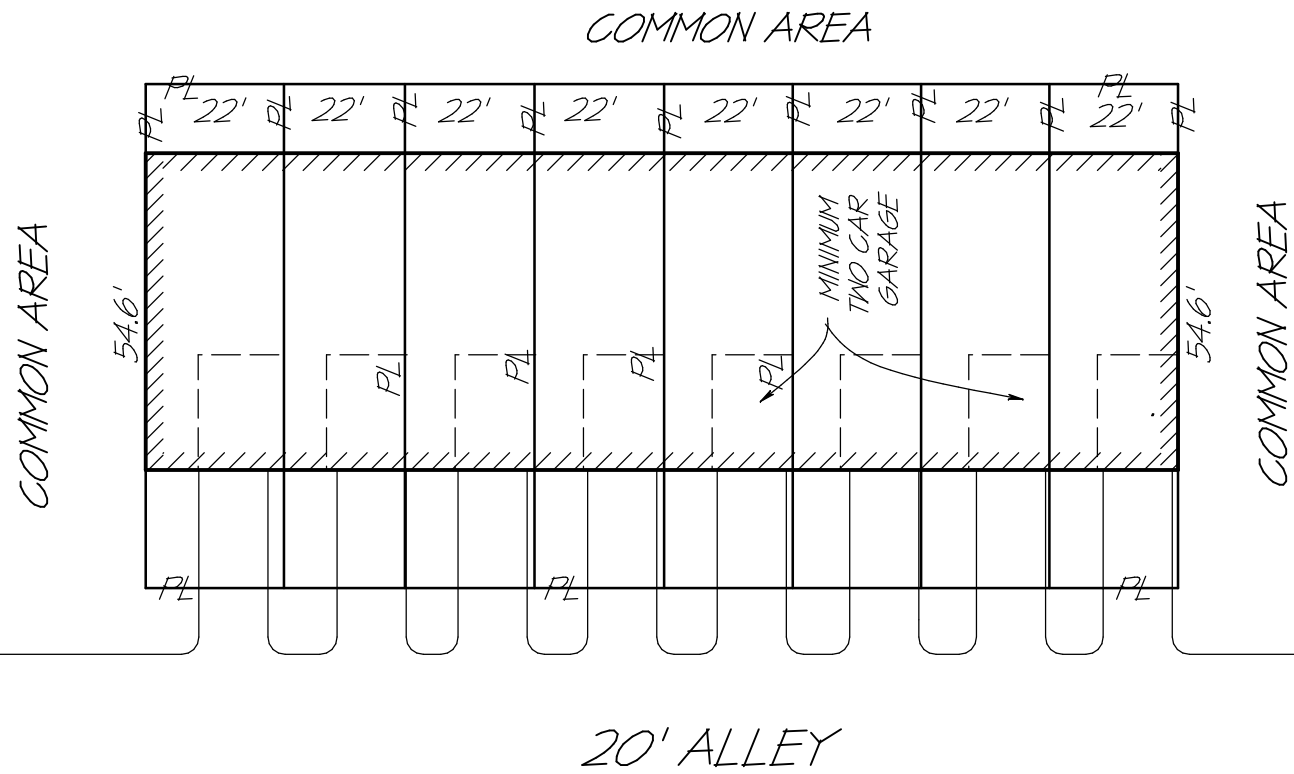
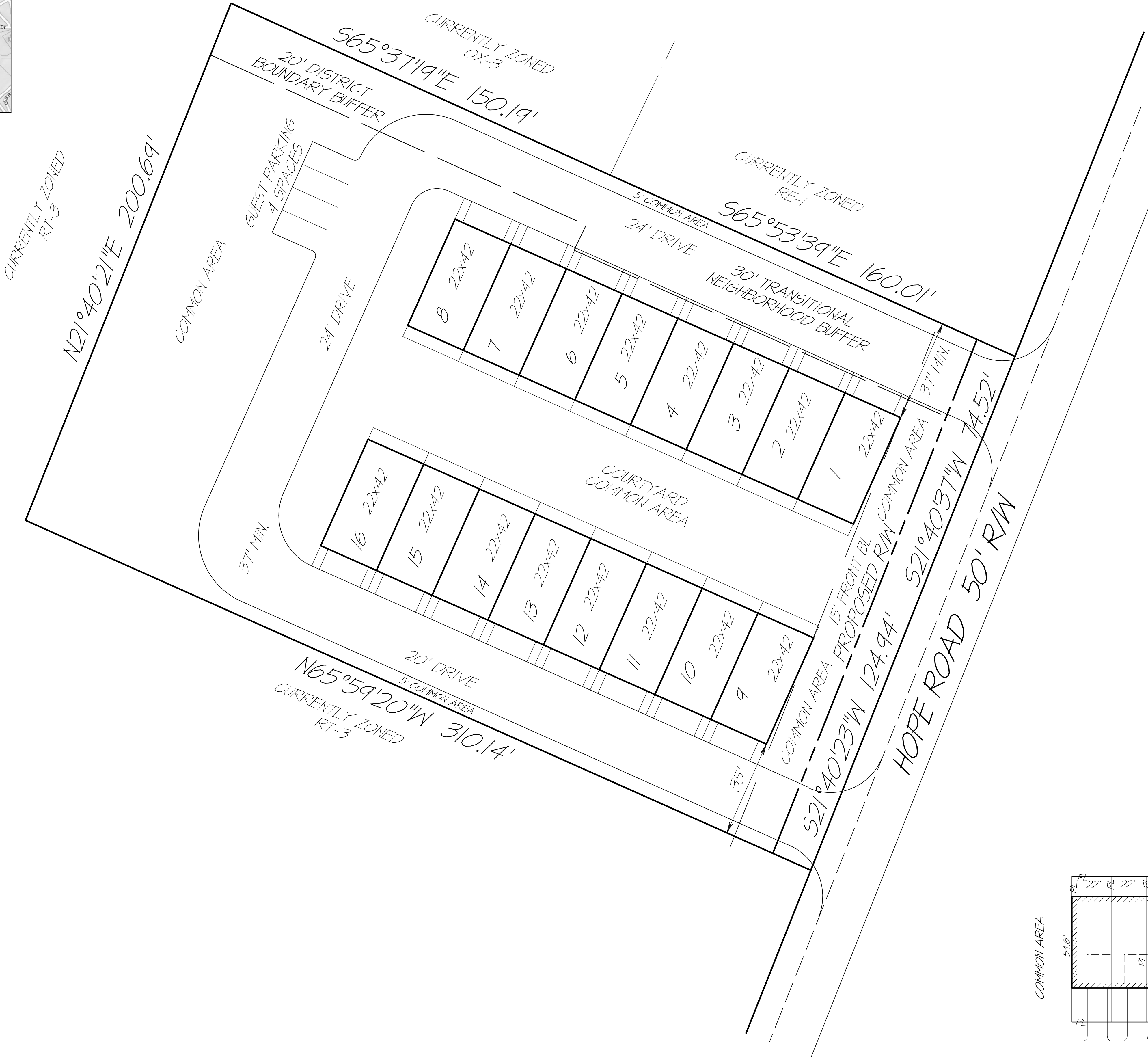
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GENERAL NOTES

1. THIS TRACT CONTAINS 1.42 ACRES AND IS ZONED RE-1.
2. THE PROPOSED ZONING IS COTTAGE
3. THIS LAYOUT CONTAINS 16 UNITS FOR DENSITY OF 11.27 LOTS/ACRE.
4. THIS PROPERTY OWNED AND DEVELOPED BY:
CALLICOTT HOLDINGS
PHONE: 770-851-3364
CONTACT: GARY CALLICOTT
5. THE MINIMUM SETBACK FROM A PRIMARY STREET IS 15 FEET; THE MINIMUM LOT AREA IS 1200 SF; THE MINIMUM LOT WIDTH IS 22 FEET.
6. THE MINIMUM PARKING SPACES REQUIRED IS 32. THERE ARE 36 SPACES PROVIDED. EACH UNIT SHALL HAVE A TWO CAR GARAGE AND 4 GUEST SPACES (16 x 0.2 = 3.2) ARE PROVIDED.
7. 9,600 SF OF COMMON SPACE IS REQUIRED (16 x 600). 25,044 SF IS PROVIDED.

CORNERSTONE DESIGN & DEVELOPMENT, INC.
106 SIMONSON ROAD SE
LAWRENCEVILLE, GA 30046
PHONE: 770-961-1007
EMAIL: KIM.DARRELL@BELLSCOTT.NET
CONTACT: DARRELL VAUGHN



TYPICAL LOT LAYOUT
NOT TO SCALE

CONCEPT
SITE PLAN

PLAN SCALE: 1" = 20'

HOPE ROAD TRACT
LAND LOT 363, 6TH DISTRICT
FULTON COUNTY, GEORGIA
CITY OF SANDY SPRINGS

REVISIONS:

SHEET NO.
OF 1

PROJ. NO. HOPE ROAD
DATE: OCT. 23, 2019